HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 18739 of 2002

26.12.2007

Between:

Racherla Srinivas & another

… Petitioners

AND

The District Collector, Warangal & another

… Respondents

Counsel for the petitioners : Sri J. Venkateswara Reddy

Counsel for the respondent No.2 : Sri V. Durga Nageswara Rao

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O R D E R:

This writ petition is filed for a writ of mandamus to declare the action of the respondents in not paying compensation in respect of the land acquired in Survey No. 212 of Laxmipuram Village, Kasibugga of Warangal Municipal Corporation on which respondent No.2 constructed water tank as illegal and arbitrary.

Heard Sri J. Venkateswara Reddy, learned counsel for the petitioners and Sri V. Durga Nageswara Rao, learned counsel representing respondent No.2.

A perusal of the record shows that there was exchange of correspondence between the petitioners and respondent No.2 in respect of payment of compensation. It could be seen from the said correspondence that respondent No.2 was insisting on production of relevant documents and to get the land demarcated by the Mandal Revenue Officer for payment of compensation. The Mandal Revenue Officer, Warangal, in his letter dated 01.04.2002 addressed to respondent No.2 mentioned that the land in Survey No. 212 situated at Laxipuram Village was got demarcated with Mandal Surveyor, Warangal and that a water reservoir was found therein.

In the counter-affidavit filed by the Chief Executive Officer of Warangal Zilla Parishad and In-charge Commissioner of Warangal Municipality (presently Warangal Municipal Corporation), it is mentioned that though the petitioners were asked to submit relevant link documents showing how they derived title from the original pattadar in respect of Survey No. 212, the latter did not produce the same. Learned counsel for the petitioners, however, disputed this plea and stated that along with letter dated 29.01.2000, the petitioners produced copies of survey report of Mandal Revenue Officer, pahanis, link documents and plan.

Having carefully perused the record, I am of the view that respondent No.2 ought to have decided the claim of the petitioners for payment of compensation with reference to the documents which the petitioners appeared to have produced along with their letter dated 29.01.2000.

Therefore, the writ petition is disposed of with the direction to respondent No.2 to decide the claim of the petitioners for compensation after giving notice to them and considering the documents, if any to be produced by them within a period of four weeks from the date of receipt of a copy of this order.

As a sequel to disposal of the writ petition, W.P.M.P.No. 34553 of 2007 filed by the petitioners for interim relief is disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

26.12.2007

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